

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

IN RE TERRORIST ATTACKS ON SEPTEMBER 11, 2001

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)
) 03 MDL No. 1570 (RCC)
ECF Case

This document relates to:

C.A. No. 03-CV-9849 (RCC)

THOMAS E. BURNETT, SR., *et al.* v. AL BARAKA INVESTMENT & DEVELOPMENT CORP., *et al.*

**DECLARATION OF ALAN R. KABAT
IN SUPPORT OF DEFENDANT SHEIKH SAFER AL-HAWALI'S
MOTION TO DISMISS THE THIRD AMENDED COMPLAINT**

I am an attorney licensed to practice in the District of Columbia and am admitted *pro hac vice* in this matter. I am with the law firm of Bernabei & Katz PLLC, counsel to Safer Al-Hawali. I submit this declaration to transmit to the Court the following documents submitted in support of Mr. Al-Hawali's motion to dismiss (Apr. 8, 2004) and his reply brief submitted in support of his motion to dismiss (July 23, 2004):

1. Exhibit 1 to Mr. Al-Hawali's motion to dismiss is a copy of the Declaration of Sheikh Safer Al-Hawali (March 30, 2004), and authenticated translation, with the Declaration of Bassim Alim (April 4, 2004) thereto.

2. Exhibit 2 to Mr. Al-Hawali's motion to dismiss is a copy of P. Mendenhall, "Seeking bin Laden in the Classifieds," MSNBC, online at <http://www.msnbc.msn.com/id/3340393> (Oct. 24, 2003).

3. Exhibit 1 to Mr. Al Hawali's reply brief is a copy of the Detention Order filed in United States v. Sami Al-Hussayen, Cr. No. 03-048 (D. Idaho Mar. 12, 2003).

4. Exhibit 2 to Mr. Al Hawali's reply brief is a copy of Jury Instructions Nos. 32,

35-36, and 48, as filed in United States v. Sami Al-Hussayen, Cr. No. 03-048 (D. Idaho June 1, 2004).

5. Exhibit 3 to Mr. Al Hawali's reply brief is a copy of the jury's executed Verdict Form, as filed in United States v. Sami Al-Hussayen, Cr. No. 03-048, Order (D. Idaho June 10, 2004).

6. Exhibit 4 to Mr. Al Hawali's reply brief is a copy of the Order of Dismissal, as filed in United States v. Sami Al-Hussayen, Cr. No. 03-048, Order (D. Idaho July 2, 2004).

I declare under the penalties of perjury that the foregoing is true and correct to the best of my knowledge and belief. Executed on July 23, 2004.

/s/ Alan R. Kabat

ALAN R. KABAT